

05-25-01

A

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside this box → 

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

JC904 U.S. PTO  
05/24/0109/864954  
05/24/01

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages **36**]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings *(if filed)*
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets **4** ]
5. Oath or Declaration [ Total Pages  ]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

Attorney Docket No.	20678
First Inventor	Sepp Kaul
Title	A Nucleic Acid Which Is Upregulated...
Express Mail Label No.	EL267098948US

**ADDRESS TO:** Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

- ### ACCOMPANYING APPLICATION PARTS
9.  Assignment Papers (cover sheet & document(s))
  10.  37 CFR 3.73(b) Statement  Power of *(when there is an assignee)*  Attorney
  11.  English Translation Document *(if applicable)*
  12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
  13.  Preliminary Amendment
  14.  Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
  15.  Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
  16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
  17.  Other: .....

18. If a CONTINUATING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation    Divisional    Continuation-in-part (CIP)

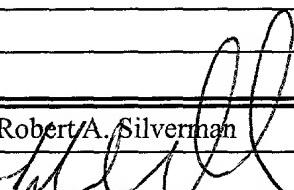
of prior application No. \_\_\_\_\_

Prior application information: \_\_\_\_\_ Examiner \_\_\_\_\_

Group Art Unit. \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	00151		or <input type="checkbox"/> Correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	
Name (Print/Type)	Robert A. Silverman		Registration No. (Attorney/Agent) 35,682
Signature			Date 05/24/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Commissioner for Patents  
BOX PATENT APPLICATION  
Washington, D.C. 20231

Hoffmann-La Roche Inc.  
340 Kingsland Street  
Nutley, NJ 07110  
Case Docket 20678  
May 24, 2001

Sir:

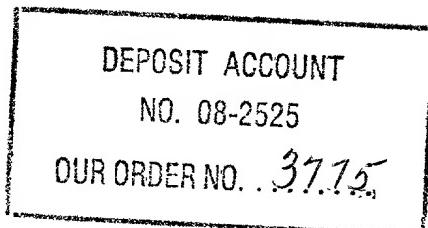
Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is the patent application of

Inventor(s): Sepp Kaul, Josef Preiherr and Ulrich Weidle

For: A NUCLEIC ACID WHICH IS UPREGULATED IN HUMAN TUMOR CELLS,  
A PROTEIN ENCODED THEREBY AND A PROCESS FOR TUMOR DIAGNOSIS

Enclosed are:

1. X      2 page(s) of patent application data sheet
2. X      4 sheet(s) of drawing. [ ] formal [ x ] informal
3. \_\_\_\_\_ page(s) of Declaration and Power of Attorney
4. X      10 page(s) of Sequence Listing
5. \_\_\_\_\_ computer disk(s) containing Sequence Listing
6. \_\_\_\_\_ Statement under 37 CFR § 1.821 or 37 C.F.R. § 1.825
7. X      23pgs. of specification, 2 pgs. of claims, 1 pg. of abstract
8. \_\_\_\_\_
9. The fee has been calculated as shown below:



CLAIMS				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
TOTAL CLAIMS	2 - 20	0	x \$18	\$0
INDEP. CLAIMS	2 - 3	0	x \$80	\$0
MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$270	
BASIC FEE				\$710
				TOTAL \$710.00

10.  Please charge my Deposit Account No. 08-2525 in the amount of \$710.00. This sheet is provided in duplicate.
11. \_\_\_\_\_ A check in the amount of \$\_\_\_\_ to cover the filing fee is enclosed.
12.  The Commissioner is hereby authorized to charge payment of the following fees or any additional fees associated with this communication or credit any overpayment to Deposit Account No. 08-2525. This sheet is provided in duplicate.
- Any filing fees required under 37 C.F.R. § 1.16.
- Any patent application processing fees under 37 C.F.R. § 1.17.
13. Priority - 35 U.S.C. § 119

#### FOREIGN PRIORITY

[ X ] Foreign Priority of application(s) number 00110953.7 filed on May 26, 2000 in Europe and application(s) number 00115369.1 filed on July 15, 2000 in Europe are claimed under 35 U.S.C. § 119(a)-(d) or 35 U.S.C. § 365(a)-(b).

- [ ] The certified copy(ies) has(have) been filed in prior U.S. patent application Serial No. \_\_\_\_\_ on \_\_\_\_\_.  
[ ] The certified copy(ies) will follow.

#### PRIORITY TO PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. § 119(e)

[ ] Priority of prior provisional application(s) Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ is(are) claimed under 35 U.S.C. § 119(e).

[ ] Amend the specification by inserting, before the first line, the following sentence: -- This application claims priority under 35 U.S.C. § 119(e) of provisional application(s) Serial No. \_\_\_\_\_, filed \_\_\_\_\_. --

14. RELATION BACK UNDER 35 U.S.C. § 120

- (A) [ ] Amend the specification by inserting, before the first line, the following sentence: -- This is a [ ] continuation [ ] divisional of copending application(s) [ ] Serial No. \_\_\_\_\_ filed on \_\_\_\_\_. --
- (B) [ ] A copy of the oath or declaration from the prior application noted above is enclosed.

15.  INCORPORATION BY REFERENCE (USEABLE IF ITEMS 14 (A) AND (B) ARE CHECKED) AND IF YOU ARE FILING A CONTINUATION OR DIVISIONAL UNDER 37 C.F.R. § 1.53(b). N.B. MUST INCLUDE COPY OF PRIOR SPECIFICATION

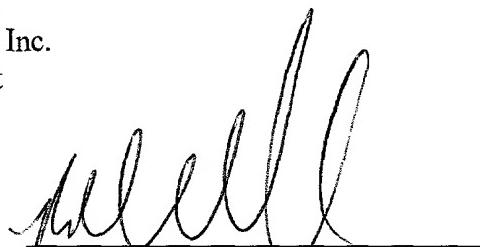
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under 12. (B), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

16.  The power of attorney in prior application is to Practitioners at Customer Number **00151**:

- a.  The power appears in the original papers of the prior application.
- b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c.  Recognize as associate attorney \_\_\_\_\_.

17. Continue to address all communications to

George W. Johnston  
Hoffmann-La Roche Inc.  
340 Kingsland Street  
Nutley, NJ 07110



Attorney for Applicant(s)  
Robert A. Silverman  
(Reg. No. 35,682  
Telephone: (973) 235-2863  
Telefax: (973) 235-2363

110715

### Certification under 37 CFR 1.10

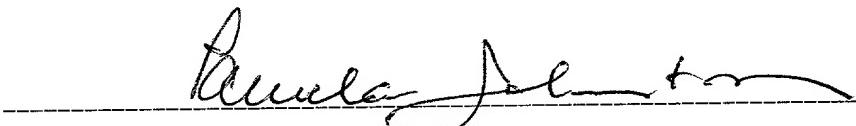
I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number:

EL267098948US

**Commissioner for Patents  
Washington, D.C. 20231**

on May 24, 2001.

Date



Signature

Pamela Johnston

Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.